

Australian Capital Territory

# Public Baths and Public Bathing Act 1956 No 12

## **Republication No 3**

Republication date: 12 September 2001

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

#### About this republication

#### The republished law

This is a republication of the *Public Baths and Public Bathing Act 1956* as in force on 12 September 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

#### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

#### **Editorial changes**

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

#### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol  $\boxed{U}$  appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

#### Modifications

If a provision of the republished law is affected by a current modification, the symbol M appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

#### Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

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# Public Baths and Public Bathing Act 1956

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# Public Baths and Public Bathing Act 1956

An Act relating to public baths and public bathing

#### Part 1 Preliminary

Section 1

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Public Baths and Public Bathing Act* 1956.

#### 5 Interpretation

In this Act:

inspector means an inspector under section 7.

*leased public baths* means public baths of which a lease has been granted by the Minister.

*public baths* means any baths or swimming pool declared under section 6 (2) to be public baths, and includes all land, buildings and other improvements within the boundary fences and boundary walls enclosing the baths or swimming pool.

#### the manager means—

- (a) in relation to any public baths which are not leased public baths—the person for the time being occupying, or performing the duties of, the office of manager of the baths or, if there is no such office, the person who, for the time being, is the senior attendant at the baths; and
- (b) in relation to leased public baths—the lessee of the baths.

#### 6 Establishment etc of baths

- (1) The Minister may establish and maintain such baths and swimming pools for the use of the public as he or she thinks necessary.
- (2) The regulations may declare any baths or swimming pool established by the Minister under this Act, or under an ordinance repealed by this Act, to be public baths.

#### 7 Inspectors

- (1) There may be 1 or more inspectors for the purposes of this Act.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of an inspector.
- (3) The following persons shall be inspectors:
  - (a) any public servant for the time being performing the duties of a public service office referred to in subsection (2);
  - (b) any police officer.

#### 7A Obstruction of inspectors

A person shall not, without reasonable excuse, obstruct or hinder an inspector in the performance of his or her functions.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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Section 8

Part 2

# Part 2 Public baths, other than leased public baths

#### 8 Meaning of *public baths* in pt 2

In this part:

public baths does not include leased public baths.

#### 9 Admission of public to baths

- (1) Subject to this Act, public baths shall be open to members of the public on such days and between such times as the Minister determines.
- (2) The Minister may cause any public baths to be closed at any time for the purpose of cleansing or repairing the baths or for any other reason which the Minister thinks sufficient.

#### 10 Entitlement to admission

- (1) A person is not entitled to be admitted to a public bath unless the person has paid the appropriate fee determined under section 37 (Determination of fees) for this section.
- (2) Subsection (1) does not apply to the admission to public baths—
  - (a) of a child who has not attained the age of 5 years; or
  - (b) of a person whose admission to the baths without fee has been approved by the Minister; or
  - (c) of any person at a time when the exclusive use of the baths is reserved for an organisation or person under section 11.
- (3) The manager of, or an attendant at, any public baths or an inspector may refuse to admit to, or remove from, the baths a person (other than a person referred to in subsection (2)) who has not paid the fee for admission payable by him or her.

#### 11 Exclusive use of public baths by schools

- (1) A school, swimming club or other organisation which, or a person who, desires to hold a swimming carnival, conduct a swimming contest or give instruction in swimming or lifesaving methods at any public baths may, at least 21 days before the day on which the carnival is to be held, the contest is to be conducted or the instruction is to be given, apply to the Minister, in writing, for the exclusive use of the baths, or a part of the baths, for that purpose.
- (2) Upon receipt of an application under subsection (1), the Minister may reserve the baths, or a part of the baths, for the exclusive use of the applicant during the whole or a part of the day on which the carnival is to be held, the contest is to be conducted or the instruction is to be given.
  - *Note* A fee may determined under s 37 (Determination of fees) for this section.
- (3) During a period for which any public baths, or a part of any public baths, has been reserved for the exclusive use of an organisation or person under subsection (2), a member of the public is not entitled to be admitted to, or to be present in, the baths, or the part of the baths, except for a purpose connected with the purpose for which the baths, or the part, was so reserved.
- (4) The manager of, or an attendant at, any public baths or an inspector may remove from the baths, or a part of the baths, a person who is not entitled to be present there by virtue of subsection (3).
- (5) Where the Minister reserves any public baths, or a part of any public baths, for the exclusive use of an organisation or person during the whole or part of a day, he or she shall, during the period of seven days immediately preceding that day, cause to be continuously exhibited in a conspicuous place at the baths a notice stating that he or she has so reserved the baths or the part of the baths.
- (6) An organisation or person for whose exclusive use any public baths, or a part of any public baths, has been reserved may make such charges for admission to the baths, or the part of the baths, during

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the period for which the use of the baths, or the part, has been so reserved, as the Minister approves.

#### 12 Persons not entitled to be admitted to baths

- (1) A person is not entitled to be admitted to any public baths—
  - (a) if he or she has not attained the age of eight years and is not in the care of a responsible person; or
  - (b) if the person is suffering from a skin disease or infection; or
  - (c) if he or she is in state of intoxication; or
  - (d) if his or her admission to the baths would have the effect of overcrowding the baths; or
  - (e) at a time when the baths are overcrowded; or
  - (f) during the remainder of any day on which he or she is removed from the baths under this Act.
- (2) The manager of, or an attendant at, any public baths may refuse to admit to the baths a person who, in the opinion of the manager or attendant, is not entitled to be admitted to the baths by virtue of subsection (1).

#### 13 Hire of articles etc

- (1) The Minister may, at any public baths, provide such services, including the sale or hire of bathing costumes, towels and other articles, as he or she thinks fit.
  - *Note* A fee may determined under s 37 (Determination of fees) for this section.
- (3) A person who, at any public baths, hires an article by virtue of a service provided by the Minister under this section—
  - (a) shall not wilfully damage or improperly soil the article; and
  - (b) shall, before leaving the baths, return the article to the manager of, or an attendant at, the baths.

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Maximum penalty:

- (a) for paragraph (a)—10 penalty units; and
- (b) for paragraph (b)—5 penalty units.

#### 14 No sale or hire without Minister's approval

A person shall not, without the approval of the Minister, sell or hire, or offer for sale or hire, in any public baths, any article.

Maximum penalty: 10 penalty units.

#### 14A Swimming coaches and instructors

A person shall not, without the approval of the Minister or of a person authorised by the Minister to give approvals under this section, in any public baths, engage for reward in teaching a person to swim or in coaching or instructing a person in swimming.

Maximum penalty: 10 penalty units.

#### 15 Liability for loss of, or damage to, property

- (1) No action lies against the Territory by reason of the loss of, or damage to, property occurring in any public baths.
- (2) No action lies against the manager of, or an attendant at, any public baths by reason of the loss of, or damage to, property occurring in the baths as a result of an act or omission of the manager or the attendant in the course of his or her employment.

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Section 15A

Part 3

# Part 3 Public baths, including leased public baths

#### 15A Definitions for pt 3

In this part:

*blind person, deaf person, guide dog* and *hearing dog* have the same respective meanings as in the *Dog Control Act 1975*.

#### 16 Bathing dress

- (1) A person shall not appear in any public baths unless he or she is clad so as to secure the observance of decency.
- (2) Where a person in any public baths is not clad so as to secure the observance of decency, the manager of, or an attendant at, the baths or an inspector may direct the person to clothe himself or herself as to secure the observance of decency.
- (3) A person shall comply with a direction given under subsection (2).

Maximum penalty: 5 penalty units.

(4) In this section:

public baths does not include a dressing enclosure.

#### 17 Offences

A person shall not—

- (a) bring into, or have in his or her possession in, any public baths any intoxicating liquor; or
- (b) enter or remain in any public baths while in a state of intoxication; or
- (c) behave in any public baths, to the annoyance of the public, in an unseemly, improper, riotous or offensive manner; or

- (d) use profane, indecent or obscene language in any public baths; or
- (e) deposit, other than in a receptacle provided for the depositing of rubbish, any broken glass or earthenware, or any article of glass, earthenware or tin, in any public baths; or
- (f) fail to collect and deposit in a safe place all parts of any article of glass or earthenware broken by him or her in any public baths; or
- (g) break, damage or interfere with any lock, valve, tap, pipework, machinery or apparatus of any kind, furniture, fittings, showers, conveniences or dressing rooms in any public baths; or
- (h) damage, disfigure or write upon any part of any public baths; or
- (i) bring into, or deposit in, any public baths any filth, rubbish or other offensive matter; or
- (j) deposit in a pool (including a foot pool) in any public baths any soap, tobacco, matches or any article or substance that is likely to pollute the water in the pool or make that water unfit for the use for which it is intended; or
- (k) without the consent of the manager of the baths, or, in this absence, of an attendant at the baths, bring into, or have in his or her possession in, a swimming pool of any public baths—
  - (i) an article used as an aid in swimming; or
  - (ii) a ball or other article used in playing games; or
  - (iii) a toy; or
  - (iv) an article the presence of which would tend to interfere with the use of the pool by another person; or
- (l) enter a swimming pool in any public baths—
  - (i) before he or she has used the shower baths; or
  - (ii) while he or she is in an unclean condition; or

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Part 3

- (iii) while he or she has on his or her person any substance which is likely to make the water in the pool discoloured or otherwise unfit for bathing; or
- (m) cause or permit an animal belonging to, or under the control of, the person to enter or remain in—
  - (i) if the animal is a guide dog accompanying a blind person or a hearing dog accompanying a deaf person—a swimming pool in any public baths; or
  - (ii) in any other case—any public baths; or
- (n) expectorate in any public baths except into a receptacle provided for the purpose; or
- (o) smoke in any open space in any public baths; or
- (p) enter or remain in any public baths while the person is knowingly suffering from a skin disease or infection; or
- (q) seek admission, by forcible or other improper means, to a dressing room, shower or convenience in any public baths when that dressing room, shower or convenience is occupied by another person; or
- (r) use the seats in a dressing room in any public baths for a purpose other than that for which they are provided; or
- (s) compel another person, by forcible or other improper means, to enter a swimming pool in any public baths; or
- (t) go upon a springboard in any public baths while another person is on that springboard; or
- (u) climb on a part of the framework supporting a springboard in any public baths other than the ladder provided for the purpose of approaching the springboard.

Maximum penalty:

(a) for paragraph (a), (b), (c), (d), (e), (f), (j), (k), (l), (m), (n), (o), (p), (r), (t) or (u)-1 penalty unit; and

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- (b) for paragraph (g)–10 penalty units; and
- (c) for paragraph (h), (i), (q) or (s)–5 penalty units.

#### **18** Segregation of sexes in public baths

Except for the purpose of giving assistance in the case of emergency, a person who has attained the age of 6 years shall not, without lawful excuse, enter a part of any public baths which is set apart for the exclusive use of persons of the sex opposite to the sex of that person and bears a notice to that effect.

Maximum penalty: 1 penalty unit.

#### **19** Lifesaving apparatus in public baths

Except in the course of attempting to save life, a person shall not, without lawful excuse, break, damage or interfere with any lifesaving apparatus provided in any public baths for use in saving persons from drowning.

Maximum penalty: 10 penalty units.

#### 20 Power of removal

The manager of, or an attendant at, any public baths or an inspector may—

- (a) remove from the baths a person who, in the opinion of the manager, attendant or inspector, has committed in the baths an offence against this Act; or
- (b) remove from the baths a child who, in the opinion of the manager, attendant or inspector, has not attained the age of 8 years and is not in the care of a responsible person; or
- (c) remove from a part of the baths a person found loitering, without reasonable excuse, in that part; or
- (d) remove an animal from—

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- (i) if the animal is a guide dog accompanying a blind person or a hearing dog accompanying a deaf person—a swimming pool in the baths; or
- (ii) in any other case—the baths.

#### 21 Obstruction of baths staff

A person shall not obstruct, hinder or interfere with the manager of, or an attendant at, any public baths in the exercise of his or her powers under this Act.

Maximum penalty: 5 penalty units.

#### 22 Suspected person to give his or her name and address

- (1) Where the manager of, or an attendant at, any public baths or an inspector has reasonable grounds for suspecting that a person has committed an offence against this Act, he or she may request the person to furnish to him the name and address of the person.
- (2) A person shall comply with a request made under subsection (1).

Maximum penalty: 5 penalty units.

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### Part 5 Public Bathing

#### 28 Meaning of *public bathing convenience*

In this part:

*public bathing convenience* means a dressing enclosure, or any other enclosure or building, provided by the Minister in a public place for the use of persons bathing in waters in the vicinity of the enclosure or building, but does not include an enclosure or building in any public baths.

#### 29 Offences in relation to public bathing conveniences

A person shall not—

- (a) loiter in a public bathing convenience unless he or she has a reasonable excuse for so doing; or
- (b) bring into, or deposit in, a public bathing convenience any filth, rubbish or other offensive matter; or
- (c) damage, disfigure or write upon a public bathing convenience; or
- (d) seek admission, by forcible or other improper means, to a public bathing convenience, or a part of a public bathing convenience, when that convenience or that part is occupied by another person.

Maximum penalty:

- (a) for paragraph (a)–1 penalty unit.
- (b) for paragraph (b), (c) or (d)–5 penalty units.

#### **30** Segregation of the sexes in a public bathing convenience

Except for the purpose of giving assistance in case of emergency, a person who has attained the age of 6 years shall not, without lawful excuse, enter a public bathing convenience, or a part of a public

#### Part 5 Public Bathing

Section 31

bathing convenience, which is set apart for the exclusive use of persons of the sex opposite to the sex of that person and bears a notice to that effect.

Maximum penalty: 1 penalty unit.

#### 31 Lifesaving apparatus in a public place

Except in the course of attempting to save life, a person shall not, without lawful excuse, break, damage or interfere with any lifesaving apparatus provided by the Minister in a public place for use in saving persons from drowning.

Maximum penalty: 10 penalty units.

#### 32 Glass etc in public places

A person shall not-

- (a) deposit, other than in a receptacle provided for the depositing of rubbish, any broken glass or earthenware, or any article of glass, earthenware or tin, in, or in a public place within 200 yards of the bank of, any river or creek in a public place; or
- (b) fail to collect and deposit in a safe place all parts of any article of glass or earthenware broken by him or her in, or in a public place within 200 yards of the bank of, any river or creek in a public place.

Maximum penalty: 5 penalty units.

#### **33** Removal of animals from public places

- (1) When, in the opinion of an inspector, inconvenience or danger may be caused to bathers by the entry of an animal into waters in a public place, he or she may direct a person in charge of the animal to prevent it from entering, or to remove it from, the waters.
- (2) A person shall comply with a direction given to him or her by an inspector pursuant to subsection (1).

Maximum penalty: 5 penalty units.

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#### 34 Prohibited bathing areas

- (1) The Minister, if he or she thinks it necessary or desirable so to do, may, by a notice exhibited in a prominent place in the vicinity of any waters in a public place, prohibit bathing in those waters.
- (2) A person shall not bathe in waters in which bathing is prohibited under subsection (1).

Maximum penalty: 10 penalty units.

#### 35 Bathing in dangerous waters

If, on any day, an inspector is of opinion that it is dangerous to bathe in any waters in a public place, he or she may warn a person in the vicinity of the waters that it is dangerous to bathe in the waters and a person so warned shall not, after receiving that warning, bathe in those waters on that day.

#### Part 6 Miscellaneous

Section 37

### Part 6 Miscellaneous

#### 37 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.
  - *Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).
- (2) A determination is a disallowable instrument.
  - *Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

#### 38 Regulation-making power

- (1) The Executive may make regulations for this Act.
  - *Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (2) The regulations may make provision for regulating—
  - (a) bathing in public baths or in a public place; and
  - (b) the use of public baths and public bathing conveniences.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

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#### Endnotes

#### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

#### 2 Abbreviation key

am = amended amdt = amendment ch = chapter cl = clause def = definition dict = dictionary disallowed = disallowed by the Legislative Assembly div = division exp = expires/expired Gaz = Gazette hdg = heading ins = inserted/added LA = Legislation Act 2001 LR = legislation register LRA = Legislation (Republication) Act 1996 mod = modified / modification No = numbero = order om = omitted/repealed

ord = ordinance orig = original p = pagepar = paragraph pres = present prev = previous (prev...) = previously prov = provision pt = part r = rule/subrule reg = regulation/subregulation renum = renumbered reloc = relocated R[X] = Republication No s = section/subsection sch = schedulesdiv = subdivision sub = substituted SL = Subordinate Law underlining = whole or part not commenced

#### Part 6 Legislation after self-government

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#### 3 Legislation history

The *Public Baths and Public Bathing Act 1956* was originally the *Public Baths and Public Bathing Ordinance 1956*. It became an ACT Act on self-government (11 May 1989).

#### Legislation before self-government

Legislation	Year and number	Gazette Notification	Commencement
Public Baths and Public Bathing Act 1956	1956 No 12	14 Dec 1956	24 Dec 1956 ( <i>see</i> <i>Gazette</i> 1956, p 3965)
Ordinances Revision Ordinance 1959	1959 No 21	23 Dec 1959	31 Dec 1959
Public Baths and Public Bathing Ordinance 1961	1961 No 6	18 May 1961	18 May 1961
Public Baths and Public Bathing Ordinance 1964	1964 No 10	21 Aug 1964	21 Aug 1964
Ordinances Revision (Decimal Currency) Ordinance 1966	1966 No 19	23 Dec 1966	23 Dec 1966
as amended by	1967 No 36	30 Nov 1967	23 Dec 1966
Public Baths and Public Bathing (Amendment) Ordinance 1988	1988 No 83	19 Dec 1988	29 Dec 1988 ( <i>see</i> <i>Gaz</i> 1988 No S414)
Self-Government (Consequential Amendments) Ordinance 1989	1989 No 38	10 May 1989	ss 1 and 2: 10 May 1989 remainder: 11 May 1989 ( <i>see s</i> 2 (2) and <i>Gaz</i> 1989, No S164)
Legislation after self-government			
Statutory Offices (Miscellaneous Provisions) Act 1994	1994 No 97	15 Dec 1994	ss 1 and 2: 15 Dec 1994 remainder: 15 Dec 1994 ( <i>see Gaz</i> 1994 No S293)
Financial Management and Audit (Consequential and Transitional Provisions) Act 1996	1996 No 26	1 July 1996	1 July 1996

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#### Legislation after self-government

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Year and number	Gazette Notification	Commencement
1996 No 87	20 Dec 1996	ss 1 and 2: 20 Dec 1996
		remainder: 19 Mar 1997 (see s 2 (2) and <i>Gaz</i> 1997 No S71)
1997 No 70	9 Oct 1997	ss 1 and 2: 9 Oct 1997
		sch 3: 10 July 2001 (Gaz 2001 No S45)
1998 No 54	27 Nov 1998	ss. 1 and 2: 27 Nov 1998
		remainder: 9 Dec 1998 (see Gaz 1998 No 49, p. 1078)
1999 No 20	14 Apr 1999	10 July 2001 (s 2)
2001 No 44	26 July 2001	ss 1 and 2: 26 July 2001 (IA s 10B) pt 308 commenced 12 Sep 2001 (see Gaz 2001 No S65)
	number 1996 No 87 1997 No 70 1998 No 54 1999 No 20	number         Notification           1996 No 87         20 Dec 1996           1997 No 70         9 Oct 1997           1998 No 54         27 Nov 1998           1999 No 20         14 Apr 1999

#### 4 Amendment history

ss 2-3	.om 2001 No 44 amdt 1.3346
s 4	.am 1959 No 21 am 2001 No 44 amdt 1.3346
s 5	.am Act 1994 No 97
s 7	.sub Act 1994 No 97
s 7A	.ins Act 1994 No 97 am 1998 No 54
s 10 hdg	.sub 2001 No 44 amdt 1.3347
s 10	.sub 1964 No 10 am 2001 No 44 amdts 1.3348-1.3350
s 11	am 2001 No 44 amdt 1.3351, amdt 1.3352
s 12	.am 1997 No 70; 1999 No 20
s 13	.am 1964 No 10; Act 1998 No 54

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#### Part 6 Legislation after self-government

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am 2001 No 44 amdt 1.3353
s 13Ains 1964 No 10
om 2001 No 44 amdt 1.3354
s 14am Act 1998 No 54
s 14Ains 1961 No 6
am Act 1998 No 54
s 15am 1989 No 38
s 15Ains 1988 No 83
s 16am Act 1998 No 54
s 17 am 1961 No 6; 1988 No 83; Act 1997 No 70; Act 1998 No 54; Act 1999 No 20
s 18am Act 1998 No 54
s 19am 1966 No 19 (as am by No 36, 1967); Act 1998 No 54
s 20am 1988 No 83
ss 21, 22am Act 1998 No 54
Part IV (ss. 23-27)om Act 1996 No 87
ss 23-25om Act 1996 No 87
s 26am 1989 No 38; Act 1996 No 26
om 1996 No 87
s 27am 1989 No 38
om Act 1996 No 87
ss 29, 30am Act 1998 No 54
s 31am 1966 No 19 (as am by No 36, 1967); Act 1998 No 54
s 32am 1961 No 6; Act 1998 No 54
ss 33, 34am Act 1998 No 54
s 36am 1966 No 19 (as am. by No. 36, 1967) om Act 1998 No 54
s 37am 1966 No 19 (as am by No 36, 1967); No 38, 1989; Act
1998 No 54 sub 2001 No 44 amdt 1.3355
s 38ins 2001 No 44 amdt 1.3355

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#### Endnotes

#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

<b>Republication No</b>	Amendments to	Republication date
1	not amended	31 July 1991
2	Act 1998 No 54	31 December 1998

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